



# MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

## Official Minutes

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November 4, 2009

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND  
TRANSPORTATION COMMISSION MEETING HELD IN  
KANSAS CITY, MISSOURI, ON WEDNESDAY, NOVEMBER 4, 2009**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, November 4, 2009, at the Hilton President Hotel, Aztec Ballroom, 1329 Baltimore, Kansas City, Missouri. David A. Gach, Chairman, called the meeting to order at 10:00 a.m. The following Commissioners were present at the meeting location: David A. Gach, Rudolph E. Farber, Grace M. Nichols, Stephen R. Miller, Lloyd J. Carmichael, and Duane S. Michie.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Pete Rahn, Director of the Missouri Department of Transportation; Rich Tiemeyer, Chief Counsel for the Commission; and Pamela J. Harlan, Secretary to the Commission were present on Wednesday, November 4, 2009.

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*“Department” or “MoDOT” herein refers to Missouri Department of Transportation.  
“Commission” or “MHTC” herein refers to Missouri Highways and Transportation  
Commission.*

**-- CLOSED MEETING --**

**VOTE TO CLOSE MEETING**

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo, including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.
2. Section 610.021(1) – Legal actions and attorney-client privileged communications
3. Section 610.021(3), (13) – Personnel administration regarding particular employees.

Upon motion duly made and seconded to convene in closed session, the Chairman called for a voice vote of the members. The vote was as follows:

Commissioner Gach, Aye  
Commissioner Farber, Aye  
Commissioner Nichols, Aye  
Commissioner Carmichael, Aye  
Commissioner Miller, Aye  
Commissioner Michie, Aye

The Commission met in closed session from 8:00 a.m. until 9:50 a.m.

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**-- OPEN MEETING --**

**APPROVAL OF MINUTES**

Upon motion by Commissioner Michie, seconded by Commissioner Farber, the Commission unanimously approved the minutes of the Electronic Ballot meeting held on September 29, 2009, the regularly scheduled meeting held on October 7, 2009, and the amendment to the June 3, 2009 minutes. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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**CONSENT AGENDA**

**Consent Agenda Process**

In order to make the most efficient use of Commission meeting time and to ensure Commission members are well informed on issues requiring their action, the staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items on the Commission meeting agenda. Those items considered by staff to be of a routine or non-controversial nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to "consent agenda" is made in each minute approved via the process described in the

paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

#### **Consideration of November 4, 2009, Consent Agenda**

Consent Agenda Item 3, 2010 - 2014 Statewide Transportation Improvement Program, 2010 Amendment (American Recovery and Reinvestment Act Project), was removed by Commissioner Miller from the Consent Agenda for discussion. Upon motion by Commissioner Michie, seconded by Commissioner Carmichael, the remaining consent agenda items were unanimously approved by a quorum of Commission members present.

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#### **COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS**

The Commission has two committees: Audit and Legislative. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of Directors and MoDOT and Patrol Employees' Retirement System Board of Trustees. The following committee reports were made during the November 4, 2009, meeting.

**Audit Committee** – Commissioner Farber reported the committee received the comprehensive annual financial report presentation and complimented staff for their work on the report. He was pleased to report that for the tenth consecutive year, the department received an unqualified opinion. Additionally, the committee reviewed three internal audits and approved the calendar year 2010 motor carrier audit plan.

**Legislative Committee** – Commissioner Carmichael reported Governmental Relations staff and District Engineers have been meeting with state legislators during the summer and fall. During these meetings staff learned about the transportation needs in their legislative districts and had an opportunity to advocate for funding to meet Missouri's transportation needs. On November 23,

Director Pete Rahn will testify before the Joint Committee on Transportation Oversight and provide his annual accountability update.

**Missouri Transportation Finance Corporation** – Commissioner Gach stated there is no report.

**MoDOT and Patrol Employees Retirement System** – Commissioner Farber reported the board met about the problems with pension sustainability. In response, the board certified the amount that MoDOT will be required to pay for this year and that is in excess of \$120 million. In comparison, last year MoDOT's payment was in the range of \$80 million. Unfortunately, if the trends continue, MoDOT's contribution will increase over the next few years from \$120 million to \$250 million. On a positive note, the fund is currently at \$1.3 billion which is up \$115 million since the end of the fiscal year.

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## **DIRECTOR'S REPORT**

During the November 4, 2009, Commission meeting, Director Pete Rahn provided the following report:

**Loss of federal funds.** The Director stated that due to the \$8.7 billion rescission of federal transportation funds, the department notified all of the planning partners and each county of the impact on their programs. The end result is that local entities lost \$104 million in federal funds.

**Impact of federal program extension.** The federal highways and transit program is being extended at a level that is \$1 billion less each month. At the point the extension expires on December 18, MoDOT will have received \$47.3 million less in federal funds than projected. If funding continues at that rate for the entire year, MoDOT could receive \$250 million less in federal funds. If that happens it could have real consequences to MoDOT's program.



**State revenues.** The department is now almost \$3 million under projections for state revenues. Actual collections are down \$18.3 million compared to what the department had received at this time last year. State revenues remain a real concern and the department is able to manage their way through state revenue issues, but when combined with federal revenue problems, the funding shortfall could impact the STIP.

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#### **DELEGATION REPRESENTING THE GREATER KANSAS CITY CHAMBER OF COMMERCE**

Jamie Green, Director of Government Relations for the Greater Kansas City Chamber of Commerce, stated the Chamber shared the commission's concern about budget issues and the federal rescission issue and the need for a new transportation bill from Congress. Mr. Green explained that the Greater Kansas City Chamber of Commerce's board will be in Washington D.C. in February and will discuss these issues with their Congressional delegation. While the Chamber realizes these are tough times, they look forward to continuing their partnership with MoDOT to improve transportation in Kansas City. Chairman Gach thanked Mr. Green for his presentation and for the Chamber's hospitality.

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#### **DELEGATION REPRESENTING THE NORTHLAND REGIONAL CHAMBER OF COMMERCE**

Ron Williamson, Chair of the Government Affairs Division for the Northland Regional Chamber of Commerce. Mr. Williamson shared with the commission statistics regarding the region's growth and population. He also reviewed a map that indicated five priority projects for the region: (1) interchange at U.S. 169 and NE 96<sup>th</sup> Street, this project will improve safety and create economic development, (2) Tiffany Springs Parkway and I-29 interchange, this project

will improve traffic flow and also create economic development, (3) intersection improvement at NE 108<sup>th</sup> Street and U.S. 169 will improve traffic flow and create economic development, (4) moving frontage roads away from the interchange of Highways 45 and I-29 will reduce congestion, and (5) improvements to the U.S. 169 and I-29 interchange will reduce congestion.

In addition to the priority projects, Mr. Williamson identified safety projects including the need for cable barrier in the median of 169, and other cooperative cost sharing projects for the Northland. Mr. Williamson concluded his presentation by commending MoDOT staff for their work on the kcICON project as well as the completion of several other projects in the area. Mr. Williamson expressed that there are many other needs but understands the budget problems the department is facing and stated that the Northland will try and support MoDOT in their funding efforts.

Chairman Gach thanked Mr. Williamson for his presentation, and Commissioner Miller thanked Mr. Williamson and the Chamber for their presentation and their time in helping with his orientation on transportation in North Kansas City.

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#### **DELEGATION REPRESENTING THE MID-AMERICA REGIONAL COUNCIL**

David Warm, Executive Director, stated that we are faced with a brand new world that requires thinking through what is being done now and how it is being done at many different levels. We have to find new ways to build economic capacity that is competitive for the state and for this part of the country. We have to find ways that promote environmental sustainability. We have to find ways that provide access to opportunity for our entire community. There are increasing pressures on resources and so we have to be smarter with how we invest in what we

do. Mr. Warm explained the opportunities for responding to these new realities fall into three general areas: planning, policy, and programs.

On the planning front, Mid-America Regional Council (MARC) has to be clearer about the goals they want to achieve through the transportation system and be able to accommodate growth. This requires investing strategically and wisely. MARC is currently updating the long range transportation plan. As part of that process, MARC is seeking citizen input and reviewing every city and county plan to find common themes and identify where the growth corridors are. In addition, MARC identified specific performance objectives and is tying decisions to measurable indicators of progress to meeting their established goals. MARC found that if they can focus some of the new growth in activity centers and along key corridors that infrastructure costs will decline by sixty percent. This planning work allows MARC to make better investments and supports goals that are community driven, and to adopt a plan tied to performance objectives and measurable outcomes.

The next opportunity is to help shape policy, particularly with the federal authorization for a new federal program over the next year. There is an opportunity as a state to move that dialogue at a national level, given who we have in Congress representing us all across the state, and this very effective local-regional-state partnership that we have developed. With MoDOT's credibility and visibility in Washington, there is the ability to work collectively and create a bill that is more flexible, provides a higher level of investment, is tied to results not regulation, and really serves the needs of the state. The other policy opportunity relates to climate change. MoDOT is dealing responsibly with the issue of climate change, and is working to improve the efficiency of the transportation system so we use less energy and reduce carbon emissions. This is an important strategy and there is an opportunity to build upon that strategy to help shape

practical common sense, equally effective policy solutions, and approaches to climate change. Transportation won't solve the climate change problem, but transportation needs to do its part in contributing to the right solution.

The final set of opportunities relates to programs. There is in place at both the state and regional level an impressive and growing list of investments and programs that are aimed at managing the transportation system more efficiently so we can get farther with the same level of resources. Mr. Warm shared a couple of program examples for the Kansas City area including Operation Green Light, and SMARTPORT; both programs use technology to improve transportation efficiency.

Mr. Warm concluded his presentation with an expression of appreciation to the commission and MoDOT staff. Chairman Gach thanked Mr. Warm for his presentation, and Commissioner Miller thanked Mr. Warm for the time that MARC's staff devoted to educating him on transportation in the Kansas City region.

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#### **DELEGATION REPRESENTING THE KANSAS CITY AREA TRANSPORTATION AUTHORITY**

Mark Huffer, General Manager of the Kansas City Area Transportation Authority (KCATA), stated that transit systems in the state of Missouri continue to struggle to find sufficient funds to keep operations at existing levels much less look at opportunities for growth. The lack of a permanent, stable and growing funding source continues to be the single biggest obstacle the KCATA faces annually. State investment in public transit in Kansas City is now one quarter of what it was fifteen years ago. KCATA recognizes that state funding is set by the state legislature and MoDOT can only make recommendations, however, KCATA appreciates MoDOT's pro-transit support shown over the years especially when making budget

recommendations. This a very difficult economic time and no effort will be expended to try to look for increased revenue this year or perhaps even next year. However, as we move out of this economy KCATA hopes that it can count on the Commission's support to seek an increase in state transit funding.

KCATA and the Missouri Public Transit Association (MPTA) believe that MoDOT will eventually seek a statewide program for roads and highways, and hope that public transit would be a big part of any statewide program that would move forward. MPTA would like the commission to consider MPTA a partner with the legislature because MPTA can bring constituents to the table to help pass a program that has transportation options. Transit, roads and highways must work together to provide a multimodal service for our citizens.

Despite the fiscal challenges, the KCATA shared a couple of positive stories. The voters of Kansas City voted twice since 2003 in overwhelming support of new or extended taxes for transit. This shows a strong commitment by the citizens for enhanced transit services within the community. Ridership increased to over 16.5 million trips, the highest level in almost 20 years. The MAX bus rapid transit project on Main Street has been an unqualified success and a new MAX route on Troost Ave. is under construction. KCATA is also using technology to improve service with real time information along the MAX routes, a map with pick up times on their website, and a subscription service that will notify riders when a bus arrives at a destination.

KCATA has a good record of innovation, and continues to move forward to make progress in public transit delivery in Kansas City. What will determine KCATA's ability to continue to do so is a stable and growing funding mechanism. Chairman Gach thanked Mr. Huffer for his presentation, and Commissioner Miller expressed appreciation for the MAX system.

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## **DELEGATION REPRESENTING A CALL TO ONENESS**

Together Pastors Ron Lindsay, Darren Edwards, Michael Brooks explained the partnership between A Call to Oneness and MoDOT. Pastor Lindsay stated that A Call to Oneness was created to address issues of violence in the urban core and develop relationships that will empower men and women from underserved communities by creating job opportunities. In the fall, the pastors met with MoDOT to form strategies and challenge individuals to reevaluate and reassess what it means to be empowered to take the Commercial Driver's License (CDL) exam. Together, a series of forums were developed to train people to take the written portion of the CDL exam.

Pastor Brooks explained each of their churches held a workshop where MoDOT staff trained between 1,200 and 1,500 people. The workshops trained participants so they were able to apply at a variety of businesses and organizations all over the region, including MoDOT. Although MoDOT did hire a few of the individuals, there wasn't an expectation for MoDOT to hire all of the participants. Following the training workshops, the pastors held a summit with businesses that need employees with a CDL to determine how to partner with them as well. The businesses shared how individuals could apply for employment. After the summit, A Call to Oneness hosted an employment seminar where individuals were trained on how to apply for jobs, prepare resumes, and conduct interviews. Again, hundreds attended. In addition to these training opportunities hosted by A Call To Oneness, Pastor Brooks' church has a school, and the school is partnering with MoDOT for a CDL training program.

Pastor Edwards concluded their presentation by explaining A Call to Oneness feels it has moved from a courtship to a marriage with MoDOT. As a result of this relationship, an entity

was created that effectuated change and provided hope in a time of a lot of hopelessness. Chairman Gach thanked the Pastors for their presentation, and Director Rahn thanked the pastors for the opportunity to work together in the community and expressed desire for the relationship to continue.

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#### **PUBLIC COMMENT - KANSAS CITY REGIONAL TRANSIT ALLIANCE**

Kitty McCoy, Chair of the Board of Directors for the Kansas City Regional Transit Alliance, explained their mission to expand, enhance, and improve public transit. To accomplish their mission the alliance has four central themes: (1) Broaden public understanding and build public consensus for seamless multimodal regional public transit, (2) Share research with decision makers and support innovative funding mechanisms, (3) Advocate for transit, and (4) Communicate with everyone about transit. Chairman Gach thanked Ms. McCoy for her comments.

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#### **PUBLIC COMMENT - APPRECIATION FOR LAKE TANEYCOMO BRIDGE**

Rick Ziegenfuss, City Administrator for the City of Hollister, expressed appreciation on behalf of the citizens of Taney County, the City of Hollister, and the City of Branson, for the Lake Taneycomo Bridge project. The dedication and effort of MoDOT staff on the economic recovery act projects merit a personal thank you. There are going to be people in Hollister who will have jobs for Christmas this year due to this economic recovery act project. We sincerely appreciate that and thank you for your approval of that project.

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## **PUBLIC COMMENT - FLOODING ON HIGHWAY 210**

Linda Lock, a resident of Orrick, Missouri shared her concerns about flooding on Highway 210. Ms. Lock explained that flooding of her property occurred after Highway 210 was improved by MoDOT. The highway improvements were needed, but now the flooding issue needs to be addressed. Ms. Lock requested the drainage ditches be cleaned out and a pipe be put in place to allow the water to run from her property, under the highway, into a field on the other side of the road. Commissioner Miller inquired about the flooding events; Chairman Gach thanked Ms. Lock for her presentation.

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## **RESOLUTION EXPRESSING APPRECIATION TO MICHAEL (MIKE) L. KEHOE FOR OUTSTANDING SERVICE ON THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION**

WHEREAS, Michael L. Kehoe was appointed to the Missouri Highways and Transportation Commission by Governor Matt Blunt on April 13, 2005. Commissioner Kehoe served four years and was chairman from March 2009 through July 2009; and

WHEREAS, during his tenure on the commission, Commissioner Kehoe performed his duties with extraordinary professionalism, integrity, dignity, and the desire for his actions to reflect the best interest of all Missourians; and

WHEREAS, Commissioner Kehoe brought to the commission a distinguished background of business expertise, and respect for the perspectives and input of Missouri's diverse populace; and

WHEREAS, Commissioner Kehoe valued and encouraged the use of the planning process that seeks participation from Missouri's citizens when planning and prioritizing transportation projects; and

WHEREAS, Commissioner Kehoe cared deeply about the safety of MoDOT employees and strongly supported initiatives to increase safety in highway construction work zones; and

WHEREAS, Commissioner Kehoe was instrumental in many positive changes within MoDOT as evidenced by major improvement of the state highway system through



MoDOT's Smooth Road's Initiative in 2005, and the use of the design-build process for I-64 in St. Louis in 2006, initiation of a statewide Safe and Sound Bridge Improvement Program, and in 2007 commission approval of kcICON on I-29/I-35 in Kansas City; both Missouri and Illinois jointly signing agreements in March 2008 for the completion of the Mississippi River Bridge project on I-70; and

WHEREAS, Commissioner Kehoe gave unselfishly of his personal time to enhance the public awareness of Missouri's transportation needs; and

WHEREAS, Commissioner Kehoe's interest in, and concern about others endeared him to his cohorts on the Highways and Transportation Commission and to department staff,

NOW, THEREFORE, BE IT RESOLVED that the Highways and Transportation Commission does hereby publicly express its appreciation and gratitude to Commissioner Kehoe for the public service he has performed for the citizens of Missouri and extends to him best wishes in his future endeavors.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Commissioner Kehoe so he will have a permanent record of the admiration and affection in which he is held by the members of the Missouri Highways and Transportation Commission and department staff.

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## **kcICON PROJECT UPDATE**

On behalf of the Director, Brian Kidwell, kcICON Project Director, thanked the commission for touring the project. Mr. Kidwell reported that the concrete and steel part of the project is about sixty-three percent complete and on schedule for a July 1, 2011 completion date. The design has been complete since early spring 2009, but since then there have been about 400 design changes as the project continues to be alive and flexible. Having the designer, MoDOT, and the contractor all working together in one location permits an immediate response to a request for a change that makes the project better. This flexibility is due to the use of the design build format on this project.

Beyond the concrete and steel portion of the project, there have been tremendous community efforts. With over 10,000 community meetings the public is informed and the meetings allow the public to share what they are experiencing so the project can continue to

evolve and improve. Last week, the project won three more awards for marketing and outreach efforts; this makes a total of five national awards.

In addition to building a great project with great community relations, the department wanted to find a way to enrich and diversify the work force. The budget for the project included \$1.25 million for building a diverse workforce. Mr. Kidwell shared a video presentation regarding the community outreach and workforce diversity efforts. Following the video, Mr. Kidwell introduced Jontell Jones, who spoke about his participation in the on the job training program. Mr. Jones earned 2,000 apprenticeship hours and graduated from the program. Mr. Jones did not have a construction background prior to entering the program, but he explained that the program is very important and it does work because he now has a career in the construction industry.

Following inquiry and comments from Director Rahn and Commissioner Miller, Chairman Gach thanked Mr. Jones and Mr. Kidwell for their presentations.

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### **SERIES 2009 AMENDMENT 3 STATE ROAD BONDS PRICING SUMMARY**

On behalf of the Director, Roberta Broeker, Chief Financial Officer, reported on October 28, 2009 the department issued bonds in the par amount of \$300 million. Originally plans were for these to be variable rate bonds; however in this financial environment it was determined best to use fixed rate debt instead. When President Obama signed the American Recovery and Reinvestment Act in February 2009, a new tool was made available to the department. The department could issue taxable Build America Bonds (BAB). The federal government would pay thirty-five percent of the interest on a BAB and the state of Missouri would only have to pick up the remaining sixty-five percent. As the department entered into the market it was to the

state's financial interest to sell all Build America Bonds and no tax exempt municipal bonds. The estimated savings to the taxpayers of Missouri through less interest cost is \$21 million. The interest rate that these bonds carry in the aggregate after the federal subsidy is 3.44 percent, and the average life of the bonds is 13.9 years. The maturities for the bonds run from 2017 to 2029. These bonds are the last of the Amendment 3 bonds and are being used to build the element three projects and additional major project work. Ms. Broeker thanked the financial advisor and lead underwriter for the successful sale. Commissioner Miller inquired about the status of the final pay out of Amendment 3 funding. Ms. Broeker responded that a little less than \$2 billion of Amendment 3 debt has been issued in total and that revenues are adequate to build all the projects that were promised and retire the debt over the next twenty years. Chairman Gach thanked Ms. Broeker for her presentation.

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## **CONSIDERATION OF BIDS ON FEDERAL-AID AND STATE PROJECTS**

On behalf of the Director, Dave Nichols, Director of Program Delivery, presented the following recommendations pertaining to bids received on federal-aid and state highway and bridge projects during the past month.

Mr. Nichols recommended (1) Award of contracts to the lowest responsive and responsible bidders for bids received on the October 23, 2009 letting, as recommended and noted in Table 1 below, except for Call 604. It is recommended the award or rejection of Call 604 be deferred to allow staff to conclude a thorough review of the contractor's bid submittals, including but not limited to, the good faith efforts of the low and second low bid contractors in achieving the Disadvantage Business Enterprise goal for the projects associated with Call 604. Non-contractual costs for these projects are shown on the below tabulation. (2) Declare the bid

of Millstone Bangert, Inc. on call 603 as irregular due to a non-standard bid bond per Section 102.9 of the Missouri Standard Specifications for Highway Construction.

**Table I**  
**Award of Contracts**  
**October 23, 2009, Bid Opening**

<b>Call No.</b>	<b>Route</b>	<b>County</b>	<b>Job No.</b>	<b>Bid Amount</b>	<b>Non-Contractual Costs</b>	<b>Contractor</b>	<b>Description</b>
201	124, P, DD	Howard	J2P2165	\$685,529.00	\$0	Widel, Inc.	Replacement of Three Bridge Decks
301	19	Montgomery	J3P2192	2,140,265.37	656.00	Chester Bross Const. Co./C. B. Equipment Inc.	Resurfacing with Superpave, Shoulder with BP-1
302	61	Pike	J3P0771	3,562,851.29	800.00	Chester Bross Const. Co./C. B. Equipment Inc.	Resurface with Superpave
401	69	Clay	J4P1963	1,528,736.28	656.00	APAC-Kansas, Inc., Kansas City Division	NBL-Coldmill & Resurface with Superpave, Fog Seal Shoulders, Bridge Rehab. SBL-Type C UBAWS, Fog Seal Shoulders
403	71	Cass	J4P1958	3,602,949.21	656.00	APAC-Kansas, Inc., Kansas City Division	Resurface with Superpave, Shoulders with BP-1, Pavement Repair
404*	9	Clay, Platte	J4S1780	6,361,785.76	32.04	Amino Bros Co., Inc.	Grading, Drainage, Paving & Add Alternates: Convert Exist. Half Diamond Interchange to Full with Roundabouts
	9	Clay, Platte	J4S1780B		1,140.04		
502	D	Camden	J5P0347H	32,860.17	0	Krisdal Enterprises, Inc.	Shoreline Mitigation
503	65	Pettis	J5B0801O	1,799,992.32	1,968.00	Lehman Construction, LLC	Bridge Redeck on Three Bridges-A0812, A2294, and A0811
504	52	Benton	J5P0922	6,232,287.73	393.00	APAC-Missouri,	Widen and

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
		Benton, Morgan	J5P0925		393.00	Inc.	Resurface with Optional Pavement (Superpave or Cold in Place Recycling with Superpave Overlay)
602	44	St. Louis, St. Louis City	J6I2009	6,557,000.00	1,312.00	Pace Construction Company, LLC	Partial Depth Pavement Repair and Resurfacing with Type C UBAWS
603	55	Jefferson	J6I1010D	2,010,506.84	984.00	Gershenson Construction Co., Inc.	Grading, Optional Bid Pavement (Superpave or PCCP) to Construct Virtual Weigh Scale in Three Disconnected Sections
605	Various	St. Charles, St. Louis	J6P2258	2,289,281.60	247,300.00	Gerstner Electric, Inc,	Install Traffic Signal Networking System (Fiber & Wireless)
	67	St. Louis	J6Q2037H		43,263.00		
606	30	St. Louis	J6S2054	740,842.86	0	J.M. Marschuetz Construction Co.	Grading and Optional Paving to Add Turn Lanes
607	Various	Jefferson, St. Louis	J6P2257	512,040.13	92,860.00	Gerstner Electric, Inc.	Install Traffic Signal Networking System (Fiber & Wireless)
608	Various	Jefferson	J6P2261	377,047.10	89,000.00	Gerstner Electric, Inc.	Network Connect Signals (Fiber and Wireless)
701	Various	Vernon	J7B0801L	994,819.00	0	All Type Excavating Inc./ DBA L. Krupp Construction, Inc.	Replace Three Bridge Decks
801	A	Laclede	J8B0801E	354,468.16	0	APAC-Missouri, Inc.	Bridge Deck Replacement
802	76 / Bus 65	Taney	J8P0764	12,221,230.60	0	Jensen Construction	Rehabilitate Existing Bridge

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
	76	Taney	J8P0799		627.00	Company	Construct Bridge and Roundabout
902	CC	Howell, Ozark	J9S0610	780,849.62	0	Pace Construction Company, LLC	Thin-Lift Overlay (Surface Leveling)
			<b>TOTAL</b>	<b>\$52,785,343.04</b>	<b>\$482,040.08</b>		

\* Call 404 - J4S1780 - Funding By Briarcliff Parkway Hwy 9 TDD - \$192,000; J4S1780B - Funding By Briarcliff Parkway Hwy 9 TDD - \$1,048,000

### Commission Consideration and Action

After consideration, and upon motion by Commissioner Farber, seconded by Commissioner Nichols, the Commission took the following action:

1. Awarded contracts to the lowest responsive and responsible bidders for bids received on the October 23, 2009 bid opening, with the exception of Call 604, which was deferred for further review, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Declared the bid of Millstone Bangert, Inc. on Call 603 as irregular due to a non-standard bid bond.

In keeping with the Commission's Delegation of Authority to Execute Documents Policy, the Director, Chief Engineer, Chief Financial Officer, or the Director of Program Delivery may execute the contracts awarded above.

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### **2010 – 2014 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM, 2010 AMENDMENT (AMERICAN RECOVERY AND REINVESTMENT ACT PROJECT)**

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended that the 2010-2014 Statewide Transportation Improvement Program (STIP) be amended, as noted in the tabulations below, to add fifty-nine and modify one American Recovery and Reinvestment Act Projects.

**Economic Recovery (ARRA) Transportation Projects in Urban Areas  
With a Population Less than 5,000  
November Amendment  
Projects Added**

<b>County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Total Cost (Dollars in Thousands)</b>
Crawford J9P0010B	19	Resurfacing from 0.6 miles north of Route 8 to Route 19 South in Steelville.	2010	\$109
Pulaski J9P0010C	133	Resurfacing of Route 133 from Route 7 to the railroad tracks and resurfacing Route 7 from Route 133 to Route A in Richland.	2010	109
Ripley J9S0010B	142	Resurfacing from Route 160 to Route E in Doniphan.	2010	390
Shannon J9P0010D	19	Resurfacing on Route 19 from Route 106 to 0.4 miles north of Route F in Eminence and on Route 106 from Route 19 to 1.3 miles west of Route 19.	2010	163
Texas J9S0010C	BU 60	Resurfacing from Route 181 to Route 60 in Cabool.	2010	162
Washington J9S0010D	E	Resurfacing from Route 8 to Route 21 in Potosi.	2010	101
Various J7S0010B	Various	Resurfacing in communities with populations less than 5,000.	2010	1,095
Bollinger J0P0010B	34 / 51	Resurfacing in Marble Hill.	2010	536
			<b>TOTAL:</b>	<b>\$2,665</b>

**Economic Recovery (ARRA) Transportation Projects in Urban Areas  
With a Population Between 5,000 and 200,000  
November Amendment  
Projects Added**

<b>County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Contract Estimate (Dollars in Thousands)</b>
Buchanan J1S2169	BL 29	Resurfacing from Rte. 169 (Belt Highway) to Rte. 371 (22nd Street) in St. Joseph.	2010	\$490
Nodaway J1S0889	46	Resurfacing from Maryville west city limits to east city limits.	2010	535
Platte J4S2218	HH	Bridge replacement over I-29 in Platte City. Project involves bridge A0200.	2010	1,332
Ray J4P0010B	13	Resurfacing from the Caldwell County Line to Rte. 10 at the City of Richmond.	2010	862
Boone J5S0010D	KK	Resurface from Rte. K to the end of maintenance in the City of Columbia.	2010	110
Boone J5S0010B	OR 70	Thin lift resurfacing from Rte. E west to the end of state maintenance in the City of Columbia.	2010	100
Boone J5S0010E	WW	Resurface from North Fork Creek in the City of Columbia to Rte. J.	2010	470
Boone J5S0010C	ZZ	Resurface from Rte. TT to I-70 Drive SW in the City of Columbia.	2010	60

<b>County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Contract Estimate (Dollars in Thousands)</b>
Callaway J5P2175	54	Resurfacing westbound lanes from Holts Summit to the Missouri River Bridge in Jefferson City.	2010	1,084
Cole J5P2174	54	Pavement improvements from the Missouri River Bridge to 0.25 miles west of Stadium Blvd. in Jefferson City. Includes ramps at Rte. 50/54/63 interchange (tri-level).	2010	762
Cole J5P0010B	50	Pavement treatment on westbound lanes from Truman Blvd. to west of Truman Blvd.	2010	320
Cooper J5S2177	87	Pavement improvements from I-70 to Main St. (old Rte. B) in the City of Boonville.	2010	1,723
Miller J5S0010G	87	Resurfacing from Salem Rd. to Rte. 54 in the City of Eldon.	2010	119
Miller J5S0010F	CC	Resurfacing from Salem Rd. to Rte. 52 in the City of Eldon.	2010	58
Pettis J5S0010H	765	Resurfacing from the Railroad tracks to Rte. 65 in Sedalia.	2010	286
Pettis J5S0010J	P	Various resurfacing within Missouri State Fairgrounds in the City of Sedalia.	2010	268
Pettis J5S0010I	Y	Resurfacing from west of Rte. 65 to Quisenberry Rd. in the City of Sedalia.	2010	98
Jasper J7P0842C	66	Resurface disconnected sections from Geneva Avenue to Duquesne Road in Joplin.	2010	398
Various JS0010C	Various	Resurfacing in communities with populations between 5,000 and 200,000. (Aurora, Carthage, Joplin, Monett, Webb City)	2010	698
Taney JS0010B	76	ADA ramps from Shepherd of the Hills Expressway to Gretna Rd. in the City of Branson.	2010	473
Dent JP0010E	32	Resurfacing from 0.2 mile west of Route 72 to 2.5 miles east of Route 72 in the City of Salem.	2010	303
Cape Girardeau JI0010B	55	Rehabilitate the southbound I-55 bridge over the Headwater Diversion Channel. Project involves bridge L0297.	2010	1,571
Cape Girardeau JS0010B	D	Resurface from the Jackson City limits to Rte. 61.	2010	429
Madison JP0010C	72	Resurface through the City of Fredericktown.	2010	405
St. Francois JS0010C	32	Rehabilitate the existing pavement on Rte. 32 (Karsh Blvd.) from Rte. OO to Rte. 67 in the City of Farmington.	2010	1,457
			<b>TOTAL:</b>	<b>\$14,411</b>



**Economic Recovery (ARRA) Transportation Projects not in an Urban Area  
November Amendment  
Projects Added**

<b>County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Contract Estimate (Dollars in Thousands)</b>
Buchanan/ Dekalb JS2010F	P	Thin lift overlay to improve pavement condition from Rte. 6 to Rte. O, near Clarksdale.	2010	408
Caldwell J1S2149	13	Replace bridge deck over Rte. 36 in Hamilton.	2010	739
Randolph J2S2010F	C	Resurfacing from Macon county line to Rte. JJ.	2010	785
Randolph J2S2010G	DD	Resurface from County Road 103 to Rte. 24.	2010	227
Randolph J2S2010D	EE	Resurface from Bus. 63 to Rte. 63.	2010	323
Randolph J2S2010E	M	Resurface from Bus. 63 to Rte. 63.	2010	143
Putnam J2S2010B	5	Resurface from Iowa state line to Rte. 136.	2010	514
Putnam 2S2010C	136	Resurface from Rte. 5 to Rte. N.	2010	987
Audrain J3S2010E	W	Thin lift overlay from Rte. V in Vandalia to Rte. K east junction.	2010	294
Lewis J3S2010H	BU 61	Thin lift overlay from Rte. 61 to Rte. B in LaGrange.	2010	100
Lewis J3S2010I	C	Thin lift overlay from Rte. 6 in Ewing to Rte 61.	2010	664
Lewis J3S2010G	K	Thin lift overlay from Rte. E to Rte. 6 in LaBelle.	2010	413
Lincoln J3S2010C	E	Thin lift overlay from Rte. O North junction to Rte. UU in Silex.	2010	585
Lincoln J3S2010F	UU	Thin lift overlay from Rte. Z to Rte. E in Silex.	2010	247
Monroe J3S2010B	151	Thin lift overlay from Rte. 24 in Madison to the Audrain County line.	2010	472
Pike J3S2010D	Y	Thin lift overlay from Bus. 61 in Bowling Green to County Road 486.	2010	132
Cooper J5S2010F	A	Thin lift resurfacing from Rte. 135 to old Rte. 50.	2010	348
Pettis J5S2010G	U	Thin lift resurfacing from the intersection of 28th St. and Ingram Avenue to Route V, south of Sedalia.	2010	393
Wright J8S2010B	38	Thin lift overlay from Hartville to Rte. 95.	2010	699
Butler J0S2203	M	Intersection improvements at Bus. Rte. 67, OR 67 and Industrial Park Bypass.	2010	1,124
			<b>TOTAL:</b>	<b>\$9,597</b>

**Transportation Enhancement Projects  
Regionally Distributed Economic Recovery (ARRA) Enhancement Funds  
November Amendment  
Projects Added**

<b>County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Contract Estimate (Dollars in Thousands)</b>
Boone J5O0013	Katy Trail	MDNR bridge rehabilitation on Katy Trail over Moniteau Creek near Rocheport.	2010	\$483
Cooper J5O0014	Katy Trail	MDNR culvert rehabilitation on Katy Trail over an unnamed creek, near Pleasant Green.	2010	197
St. Charles J6O0029	Katy Trail	MDNR bridge replacement on Katy Trail over Little Femme Osage Creek, near Defiance.	2010	284
St. Charles J6O0030	Katy Trail	MDNR construction of approximately 2.5 miles of new Katy Trail from St. Charles to Machens.	2010	680
			<b>TOTAL:</b>	<b>\$1,644</b>

Note: All projects must be submitted for obligation by January 4, 2010, otherwise the project or projects will be cancelled and funds moved to another project or projects. These projects are also contingent upon the availability of ARRA enhancement funds.

**Economic Recovery (ARRA) Suballocated Funds  
November Amendment  
Projects Added**

<b>County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Contract Estimate (Dollars in Thousands)</b>
Platte J4S2287	69	Construction of left turn lanes at Rte. AA in the City of Riverside.	2010	\$411
St. Charles J6U1028S	364	Grading, paving, bridge and one-way outer roads from .3 mile west of Central School Road to Mid Rivers Mall Drive.	2010	7,244
			<b>TOTAL:</b>	<b>\$7,655</b>

**Regionally Distributed Economic Recovery (ARRA)  
Enhancement Funds in Non-MPO Areas  
November Amendment  
Estimate Change**

<b>County Job No.</b>	<b>Description – Changes in Italics</b>	<b>Previous Cost</b>	<b>Current Cost</b>
Henry J4S2290	Sidewalk improvements on Rte. 18 from east of 9th Street to west of Pawnee Street in the city of Clinton. (Previously - New sidewalks in Clinton)	\$98,728	\$114,728

Note: All projects funded by regionally distributed enhancement funds must be submitted for obligation by January 4, 2010, otherwise the project will be cancelled and funds moved to another ARRA project.

After discussion and consideration, and upon motion by Commissioner Farber, seconded by Commissioner Michie, the Commission unanimously approved the amendments to the 2010-

2014 Statewide Transportation Improvement Program, 2010 Amendment (American Recovery and Reinvestment Act Projects) as noted in the tabulations above. Commissioner Gach abstained from voting on job number J1S2169, Commissioner Farber abstained from voting on job number J7S0010C, Commissioner Nichols abstained from voting on job number J6O0030, and Commissioner Carmichael abstained from voting on job numbers J7S0010C and J8S0010B.

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**2010 – 2014 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM,  
2010 AMENDMENT**

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended that the 2010-2014 Statewide Transportation Improvement Program (STIP) be amended, as noted in the tabulations below, to add seven projects, and delete one.

**2010 – 2014 STIP  
Highway and Bridge Construction Schedule  
Projects Added  
November Amendment**

(Dollars in Thousands)					
<b>County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Construction and Right of Way Funds</b>	<b>Engineer- ing Funds</b>
Callaway J5S0927	54	Construct roundabout and replace bridges over Stinson Creek. Cost share project with the City of Fulton.	2010	\$1,621	\$381
Callaway J5S0927Z	54	Payback from the Cost Share Program to the City of Fulton for the acceleration of project 5S0927.	2013	981	0
St. Charles J6U1028B	364	Grading, paving, lighting, signals, one way outer roads and bridges Rte. 94 at Mid Rivers Mall Dr. to .3 mile west of Central School Rd. Cost share project with St. Charles County and the City of St. Peters.	2011	34,852	2,323
St. Charles J6U1028W	364	Payback from the Cost Share program to St. Charles County for the acceleration of 6U1028B.	2013 & 2014	10,000	0
Pulaski J9I0585	44 OR	Outer road extension improvements in northwest quadrant of Rte. H and I-44. Cost Share project with the City of Waynesville.	2010	1,700	117

Pulaski J9I0585Z	44 OR	Payback from the Cost Share program to the City of Waynesville for the acceleration of project 9I0585.	2012	1,017	0
Cape Girardeau J0S0921B	25	Installation of lighting, signals, and geometric improvements 0.5 miles south of Route 61. Cost participation project.	2010	765	0
			<b>TOTALS:</b>	<b>\$50,936</b>	<b>\$2,821</b>

**2010 – 2014 STIP  
Highway and Bridge Construction Schedule  
Projects Deleted  
November Amendment**

(Dollars in Thousands)					
<b>County Job No.</b>	<b>Route</b>	<b>Description of Improvement/Location</b>	<b>Tentative Award State Fiscal Year</b>	<b>Construction and Right of Way Funds</b>	<b>Engineering Funds</b>
Madison J0P2186	67	Pavement replacement to improve vertical clearance under Rte. 67/72 bridge.	2010	\$714	\$70
			<b>TOTALS:</b>	<b>\$714</b>	<b>\$70</b>

Via approval of the consent agenda, the Commission unanimously approved the amendments to the 2010 – 2014 STIP as noted in the tabulations above.

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**REQUEST FOR APPROVAL OF LOCATION AND DESIGN OF HIGHWAYS**

**Business Route 54, Callaway County  
Business Route 54 and Second Street In Fulton  
Job No. J5S0927  
Public Hearing Held September 1, 2009**

The proposed improvement provides for realigning the existing intersection of Business Route 54 and Second Street in Fulton to construct a roundabout. The roadway width will be 20-feet wide with three-foot curb and gutter and a six-foot sidewalk. The project will have controlled access. Traffic will be maintained on the existing roadways during construction. This project is 0.2 mile in length.

Mr. Roger Schwartze, District 5 Engineer, recommended approval of the design as presented at the public meeting.

**Route 25, Cape Girardeau County**  
**0.5 Mile S/O Route 61 to 1.0 mile S/O Route 61 in Jackson**  
**Job No. J0S0921B**  
**Public Hearing Held October 1, 2009**

The proposed improvement provides for geometric improvements, lighting and signal construction on Route 25 in Jackson. Route 25 will consist of three 12-foot lanes with four-foot shoulders. The project will have normal access right of way. Route 25 will remain open to traffic during construction. This project is 0.50 mile in length.

Mr. Mark Shelton, District 10 Engineer, recommended approval of the design of the proposed improvements as presented at the public hearing.

After full consideration of the favorable and adverse economic, social and environmental effects of the recommended designs, the Commission via approval of the Consent Agenda unanimously found and determined the recommended designs would best serve the interest of the public and approved the recommendation.

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**RATIFICATION AND APPROVAL OF RIGHT OF WAY PLANS FOR  
CONDEMNATION**

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended the Commission ratify the approval of the Chief Engineer of the following right of way plans, which have been filed for condemnation.

<u>County</u>	<u>Route</u>	<u>Job Number</u>	<u>Date Commission Approved Design</u>
St. Louis	141	J6U0807	January 4, 2002 (1 <sup>st</sup> Amended)

In accordance with Section 227.050 RSMo, the Commission via approval of the Consent Agenda, approved the right of way plans for the above noted projects and directed they be filed as necessary for the condemnation of right of way.

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## **COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFT), INCLUDING INDEPENDENT AUDIT REPORT, FOR FISCAL YEAR 2009**

On behalf of the Director, Debbie Rickard, Controller, presented the Comprehensive Annual Financial Report to the Commission. The department is required by statute and bond covenants to have annual financial statements audited by an independent certified public accountant. This is the second year the department elected to include the required financial statements in a comprehensive annual financial report. In addition this report contains information about the department and selected transportation data. While the Controller's division is responsible for the preparation of the financial statements, the accuracy of the financial statements involves all of the districts and divisions in the daily activities. Ms. Rickard recommended the Commission accept the audit as presented.

Deborah McCoy, managing partner of BKD, reviewed the audit report with the Commission. Ms. McCoy reported that for the tenth year, the department received an unqualified opinion, which is the highest opinion you can receive, and it is a clean opinion. Ms. McCoy reviewed the financial statements with the Commission. Ms. McCoy briefly explained that additional accounting and reporting standards are introduced each year. Last year the department began tracking other post employment benefit obligations and this year the department is required to report pollution remediation as an obligation. She indicated that in the report is the auditor's opinion on internal control and compliance, and the auditor's opinion on the results were no items of material weaknesses on internal controls, and no items were considered material noncompliance. Ms. McCoy thanked the professional staff that BKD has had the opportunity to work with during the audit.

Commissioners Carmichael and Farber expressed appreciation for BKD and MoDOT staff's efforts to continue to do good work that leads to a good audit outcome. After consideration and upon motion by Commissioner Farber, seconded by Commissioner Michie, the Commission unanimously accepted the Fiscal Year 2009 Comprehensive Annual Financial Report as presented.

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**AUTHORIZATION TO REVISE THE STATEWIDE HOURLY RATE FOR CONTRACTING FOR ENGINEERING PROFESSIONAL SERVICES**

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended the authorization of the continued use of hourly rate contracting under the oversight of the Professional Services Committee (PSC), with the following modification and additions:

- Provide a \$100,000 maximum ceiling per project number for district use and an additional \$100,000 maximum ceiling per project number for central office division use.
- Include a "lump sum" option in the master agreement contract, with the same maximum contract ceiling of \$100,000 maximum for district and \$100,000 maximum for central office use, and allow supplements to the "lump sum" option.
- Authorize the respective District Engineer or Division Director/Engineer to execute the optional "lump sum" MOUs and applicable supplements.
- Establish and expand the use of work categories to align with current district needs and add separate work categories for central office division needs as approved by the Professional Services Committee.

Via approval of the consent agenda, the Commission unanimously approved the continued use of hourly rate contacting with the modification and additions as noted above.

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## **-- REPORTS --**

The Commission received the following written reports.

### **FINANCIAL – BUDGET - REPORTS YEAR-TO-DATE FINANCIAL REPORT, September 30, 2009**

Deborah S. Rickard, Controller, provided to the Commission the Fiscal Year 2010 monthly financial report for the period ending September 30, 2009, with budget and prior year comparisons.

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### **DESIGN/BRIDGE ENGINEERING CONSULTANTS**

Dave Nichols, Director of Program Delivery, provided to the Commission the Design/Bridge Engineering Consultants Report as of September 30, 2009. The report reflects current active consultant work on projects contained in the State Transportation Improvement Program.

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### **2009 REPORT TO JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT**

Kevin Keith, Chief Engineer and Roberta Broeker, Chief Financial Officer presented the 2009 Report to the Committee on Transportation Oversight, which will be filed before November 10, 2009.

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By unanimous consensus of all members present, the meeting of the Commission adjourned.

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